

MR1035-1492

Serial Number: 09/884,504

Response to Office Action dated 28 December 2004

**REMARKS/ARGUMENTS**

This case has been carefully reviewed and analyzed in view of the Office Action dated 28 December 2004. Responsive to that Office Action, Claims 1, 10, 12, 14, and 22 - 23 are each now amended for further prosecution with the other pending claims. It is believed that with such amendment of Claims, there is a further clarification of their recitations.

In the Office Action, the Examiner rejected Claims 1 - 23 under 35 U.S.C. § 103(a) as being unpatentable over the Rodriguez et al. reference in view of the Purnaveja et al. reference. In setting forth this rejection, the Examiner cited Rodriguez et al. for disclosing the encoding and decoding of time restriction information in a media file, but acknowledged that the reference fails to explicitly teach certain claimed features relating to such time restriction information. The Examiner, however, cited the Purnaveja et al. reference for disclosing those features and concluded that it would have been obvious to a person of ordinary skill in the art to have modified Rodriguez et al.'s teachings accordingly.

As the newly-amended independent Claims 1, 10, 12, 14, and 22 - 23 each now more clearly recite, Applicant's approach provides for the time restricted reproduction of a data segment embedded in a media file. The embedded data segment is selectively reproduced during the media file's playback responsive to certain time restriction information. This time restriction information is embedded

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with the data segment in a “selectively modif[ied] ... part” of the media file itself, as each of the newly-amended independent claims now more clearly recites.

The full combination of these and other features now more clearly recited by Applicant’s pending claims is nowhere disclosed by the cited references. The primarily-cited Rodriguez et al. reference is generally directed to the watermarking of supplemental information onto a wide range of mediums – from business cards to refrigerator appliances to digitally stored music. While the reference does provide for an audio watermark which includes a “date field” indicating a future date affecting certain rights associated with the given music’s playback, it nowhere provides for any selective reproduction of the watermark data itself, much less in a manner responsive to such “date field.” It is the watermarked music’s playback which is affected by the date field, not any reproduction of the watermark’s own data.

Rodriguez, et al.’s “watermark” is just that – a watermark meant to be read and processed for certain control purposes for the data/medium that it marks. As such, the watermark’s own data is necessarily read in spite of such parameters as the “date field” included therein, rather than being restricted thereby. This teaches plainly away from the embedded data segment recited in Applicant’s newly-amended independent Claims to be reproduced in time-restricted manner, responsive to corresponding “time restriction information” (though playback of the media file in which it is embedded may continue without interruption).

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What is more, Rodriguez et al. fails to anywhere disclose “selectively modif[ying] a part” of the given media file itself to embed the watermark, as Applicant’s newly-amended independent claims now more clearly recite. Indeed, the reference specifically prescribes various measures for insulating the integrity of the watermark data from that of the audio data itself, specifying measures such as “the cyclical repetition of [a dial-tone] signal ... to identify the start of” an altogether separate “plural-bit digital watermark signal” (column 44; lines 11-13; *emphasis added*). This teaches away from any modification of the music data itself in providing the watermark.

Turning to the secondarily-cited Purnaveja et al. reference, the reference specifically prescribes “annotations” for the given multimedia streams. More specifically, Purnaveja et al. discloses these annotations to be in the form of supplemental “annotation frames” which are generated, then “handled synchronously but separately by [its] video decoder,” (column 8; line 36). Such specification of these separately-handled “annotation frames” necessarily precludes “selectively modif[ying] a part of” any multimedia file itself, to embed certain data segments and corresponding time restriction information therein, as each of Applicant’s newly-amended independent claims now more clearly recites. Purnaveja et al.’s express segregation of annotation data from the given multimedia data teaches quite to the contrary.

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It is respectfully submitted, therefore, that the cited Rodriguez et al. and Purnaveja et al. references, even when considered together, fail to disclose the unique combination of elements now more clearly recited by Applicant's pending claims.

It is now believed that the subject Patent Application has been placed fully in condition for allowance, and such action is respectfully requested.

Respectfully submitted,  
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Jun Y. LeeDate: 3/28/2005